

CHAPTER NO. 932

SENATE BILL NO. 2598

By Blackburn, Person, Dixon, Burks

Substituted for: House Bill No. 2407

By Beavers, Todd

AN ACT To amend Tennessee Code Annotated, Title 39, Chapter 13, relative to HIV testing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following as a new, appropriately designated section:

39-13-1___. (a)(1) If a person is initially arrested for a violation of § 39-13-102 and if the victim of the assault suffered actual contact with the blood or other body fluid of the arrestee, then the arrestee shall undergo HIV testing immediately, upon the request of the victim. A licensed medical laboratory shall perform such test at the expense of the arrestee. The arrestee shall obtain a confirmatory test when necessary. The arrestee shall be referred to appropriate counseling.

(2) For purposes of this section, "the victim of the assault" shall be limited to a law enforcement officer; firefighter; correctional officer; youth services officer; probation and parole officer; an employee of the Department of Correction or the Department of Children's Services, provided that such officer or employee was performing an official duty; an emergency medical or rescue worker, emergency medical technician, or paramedic, whether compensated or acting as a volunteer, provided that such technician or worker was performing an official duty.

(b)(1) The licensed medical laboratory shall report the results of the HIV test required under this section immediately to the victim of the assault.

(2) The result of the HIV test required under this section is not a public record and shall be available only to:

- (A) The victim of the assault;
- (B) The parent or guardian of a minor or incapacitated victim;
- (C) The attending physician of the person tested and of the victim;
- (D) The Department of Health;
- (E) The Department of Correction;
- (F) The person tested; and


(G) The District Attorney General prosecuting the case.

(c) If the arrestee's test indicates that the arrestee is infected with HIV, then the arrestee shall be responsible for the victim's medical bills, laboratory bills and other expenses related to such victim's exposure to HIV, upon a finding that such exposure was from the arrestee.

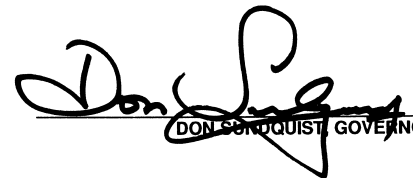
SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.

PASSED: June 12, 2000


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 23rd day of June 2000


DON S. CONQUIST, GOVERNOR